

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

PATENT

Serial No.: 10/074,535 )  
Filed: November 13, 2001 )  
For: HYDRAULIC PUNCH DRIVER )  
Applicant: William F. Nordlin et al. )  
Examiner: To be assigned )  
Art Unit: 3722 )

I hereby certify that this correspondence is being  
deposited with the United States Postal Service  
first class mail in an envelope addressed to:  
Assistant Commissioner for Patents, Washington  
D.C. 20231, on May 28, 2002  
(Date of Deposit)  
James A. O'Malley 45,952  
Name of applicant, assignee, or Registered Rep.  
James A. O'Malley 5/28/02  
Date

Based Upon )  
U.S. Provisional Application Serial No. 60/259,947 )  
Filed January 5, 2001 )  
Attorney Docket No.: 913/38954/283 )

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APR 23 2003

OFFICE OF PETITIONS

Assistant Commissioner for Patents  
Washington, D.C. 20231  
ATTENTION LICENSING AND REVIEW

**SUPPLEMENT TO PETITION FOR RETROACTIVE LICENSE  
(37 CFR §5.25) FILED ON FEBRUARY 19, 2002**

Applicant filed a Petition for Retroactive License (37 CFR §5.25) on February 19, 2002, including the appropriate fee of \$130.00. A copy of the Petition is attached hereto as Exhibit 1.

In response thereto, the United States Patent and Trademark Office mailed a Communication to Applicant denying the Petition, stating:

The declaration of James O'Malley does not suffice to constitute filing of the application abroad through error and without deceptive intent. What is required is a verified statement from the person or persons who had knowledge and made the actual decision to file. Specifically, it is suggested that a verified statement from the German person or persons who actually had knowledge and filed the application in Germany, be obtained.

A copy of this Communication is attached as Exhibit 2.

Thus, attached as Exhibit 3 is the Declaration of Jürgen Klinghardt which includes, along with the Declaration of James A. O'Malley (filed in the original Petition attached as Exhibit 1), in accordance with 37 CFR §5.25(a)(3)(i)-(iii),

- (a) Confirmation that the subject matter in question was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order;
- (b) Confirmation that the license is being diligently sought after discovery of the proscribed foreign filing; and

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

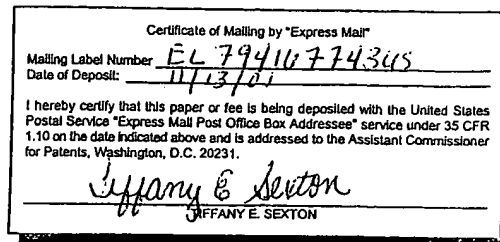
Sir:

Transmitted herewith for filing is the patent application of

Inventors: WILLIAM F. NORDLIN and  
THOMAS GENE BOESE

For: HYDRAULIC PUNCH DRIVER

Enclosed are:



- ☒ Six (6) sheets of informal drawings.
- ☒ An executed Declaration and Power of Attorney for Patent Application. **EL 794167743US**
- ☒ An Application Data Sheet.
- ☐ Applicant states that the enclosed application has not and will not be the subject of an application filed in another country, or under a multilateral agreement that requires publication at eighteen months after filing. A Request and Certification Under 35 USC 122(b)(2)(B)(i) is enclosed.
- ☐ Applicant hereby claims small entity status. An executed Verified Statement Claiming Small Entity Status is enclosed.

The filing fee has been calculated as shown below:

	(Col. 1)	(Col. 2)
FOR:	NO. FILED	NO. EXTRA
BASIC FEE		
TOTAL CLAIMS	22 - 20 =	* 2
INDEP. CLAIMS	2 - 3 =	* 0
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENTED		

\*If the difference in Col. 1 is less than zero, enter "0" in Col. 2

SMALL ENTITY	
RATE	FEE
	\$ 370.00
x 9 =	\$ .00
x 42 =	\$ .00
+ 140 =	\$ .00
TOTAL	\$ .00

OTHER THAN A SMALL ENTITY	
RATE	FEE
	\$740.00
x 18 =	\$36.00
x 84 =	\$ .00
+ 280 =	\$ .00
TOTAL	\$ 776.00

- ☐ Please charge my Deposit Account No. 20-1495 in the amount of \$ \_\_\_\_\_  
A duplicate copy of this sheet is enclosed.
- ☒ A check in the amount of \$ 776.00 to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 20-1495. A duplicate copy of this sheet is enclosed.
- ☒ Any additional filing fees required under 37 CFR 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17
- ☒ The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 20-1495. A duplicate copy of this sheet is enclosed.
- ☒ Any patent application processing fees under 37 CFR 1.17.
- ☐ The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).
- ☒ Any filing fees required under 37 CFR 1.16 for the presentation of extra claims.

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Dated: November 13, 2001

James A. O'Malley  
Attorney of Record

Reg. No. 45,952

- (c) An explanation of why the material was filed abroad through error and without deceptive intent without the required license under §5.11 first having been obtained.

Therefore, in view of the Declaration of Mr. Jürgen Klinghardt and the information provided in the original Petition, Applicant respectfully requests that the petition for license for foreign filing be granted retroactively under the provisions of 37 CFR §5.25 to December 27, 2001.

It is not believed that a fee is due. However, should a fee be due, the Commissioner is hereby authorized to charge payment of any fees associated with this communication to Deposit Account No. 20-1495.

A duplicate of this petition is enclosed herewith.

Respectfully submitted,

Dated: 5/28/02

By: James A. O'Malley  
James A. O'Malley, Reg. No. 45,952  
Trexler, Bushnell, Giangiorgi,  
Blackstone & Marr, Ltd.  
105 W. Adams Street, 36th Floor  
Chicago, Illinois 60603  
(312) 704-1890

PATENT

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

Serial No.: Not yet assigned )  
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Filed: November 13, 2001 )  
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For: HYDRAULIC PUNCH DRIVER )  
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Applicant: William F. Nordlin et al. )  
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Examiner: To be assigned )  
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U.S. Provisional Application Serial No. 60/259,947 )  
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Attorney Docket No.: 913/38954/283 )

I hereby certify that this correspondence is to be deposited with the United States Postal Service first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on February 19, 2002  
(Date of Deposit)

James A. O'Malley, 45,952  
Name of applicant, assignee or Registered Rep.  
James A. O'Malley 2/19/02  
Signature Date

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OFFICE OF PETITIONS

Assistant Commissioner for Patents  
Washington, D.D. 20231  
ATTENTION LICENSING AND REVIEW

**PETITION FOR RETROACTIVE LICENSE (37 CFR §5.25)**

**1. Petition**

It is respectfully requested that this petition for license for foreign filing be granted retroactively under the provisions of 37 CFR §5.25 to December 27, 2001. A copy of the subject matter for which this petition is requested is attached hereto as Exhibit A.

**2. United States Application**

The formal United States patent application was filed on November 13, 2001 and has not yet been assigned a Serial No. This application is based upon United States Provisional application Serial No. 60/259,947 which was filed on January 5, 2001.

**3. Previous License**

Attached hereto as Exhibit B is a copy of a foreign filing license which was granted on January 3, 2002 in connection with a Petition For Expedited Foreign Filing License based on the United States application filed on November 13, 2001.

**4. Filed Foreign Application**

An unlicensed patent application was filed in Germany on December 28, 2001.

5. **Inventors**

Inventors: William F. NORDLIN and Thomas Gene BOESE  
Title of Invention: HYDRAULIC PUNCH DRIVER  
Based Upon United States Application No: 60/259,947 filed on January 5, 2001

6. **Declaration**

Attached as Exhibit C is the Declaration of James A. O'Malley which confirms that, in accordance with 37 CFR § 5.25(a)(3)(i)-(iii),

- (a) The subject matter in question was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order;
- (b) The license is being diligently sought after discovery of the proscribed foreign filing; and
- (c) An explanation of why the material was filed abroad through error and without deceptive intent without the required license under §5.11 first having been obtained.

7. **Fee**

The fee for this petition for retroactive license is paid by the attached check for \$130.00.

A duplicate of this petition is enclosed herewith.

Respectfully submitted,

Dated: 2/18/02

By: James A. O'Malley

James A. O'Malley, Reg. No. 45,952  
Trexler, Bushnell, Giangiorgi,  
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